

REMARKS

This is intended as a full and complete response to the Office Action dated August 26, 2004, having a shortened statutory period for response set to expire on November 26, 2004. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-28 and 30-40 are pending in the application and remain pending following entry of this response. Claims 29-33 and 34 are canceled without prejudice. The claim amendments are made to clarify that the search terms of a search expression are weighted according to a weight criterion and a corresponding user-designated score modifier that provides a user-designated weight to the respective criterion. Since these amendments are made only for clarification, and not for reasons of the prior art, Applicants submit that the claims are entitled to their full range of equivalents.

The Examiner states that Claims 1, 10, 18, 26, 28 and 35 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Wical* (US 5,953,718) in view of *Ripley* (6,742,001). However, the Examiner's action substantively treats all pending claims (i.e., 1-28 and 30-40) under the same rejection. Applicants assume the Examiner means to reject Claims 1-28 and 30-40 over *Wical* in view of *Ripley*. However, if this understanding is in error, the Examiner is kindly requested to clarify her position. In any case, Applicants respectfully traverse the rejection.

THE CLAIMS

The present claims are directed to front-end weight factor search criteria. Users input search expressions including one or more search terms each having one or more weight criteria which, in turn, have corresponding user designated score modifiers. In this way, users are able to dictate the relevancy of results on the basis of the search expression itself.

PRIMA FACIE CASE OF OBVIOUSNESS NOT ESTABLISHED

The requirements for a *prima facie* case of obviousness can be found in the MPEP §2143:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of

Page 9

318994_1

ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

In this case, Applicants respectfully submit that the Examiner fails to meet at least two of the basic criteria for a *prima facie* case of obviousness.

A. All Limitations Not Present

First, Applicants respectfully submit that the references do not teach or suggest all the claim limitations. The Examiner concedes that *Wical* "fails to teach the step of designating the score modifier to the user." (Examiner's Action, page 3.) However, the Examiner argues that *Ripley* "teaches the step of one or more weight criteria include [sic] a user designated score modifier". (Id.) For support the Examiner cites *Ripley*, Figure 8A, column 11, lines 33-67. After carefully reviewing the cited portion of *Ripley* relied upon by the Examiner, Applicants were unable to identify any mention or teaching of weight criteria, a user designated score modifier, or the combination of a weight criteria that includes a user designated score modifier. Rather, the cited portion describes a user defined map specification to facilitate sharing data between hierarchical databases. Accordingly, a *prima facie* case of obviousness has not been established and Applicants respectfully request that the rejection be withdrawn and the claims be allowed.

B. No Motivation

Second, Applicants respectfully submit that no motivation exists to combine the teachings of *Wical* with the teachings of *Ripley*. *Wical* discloses an infrastructure for processing conventional queries in which "it is desirable to construct a search and retrieval system that is not highly dependent upon the exact words chosen for the query, but that generates a similar response for different queries that have similar meanings." (Column 1, lines 52-57.) *Ripley* is directed to sharing data between hierarchical databases (See, e.g., Title and Abstract.) The mechanism of *Ripley* involves mapping source elements in a first hierarchical data structure to target elements in a second hierarchical data structure. *Ripley* is not directed to user searches configured to return data. Given the disparity between the technologies of *Wical* and *Ripley* a person skilled

Page 10

PATENT

Atty. Dkt. No. ROC920010069US1

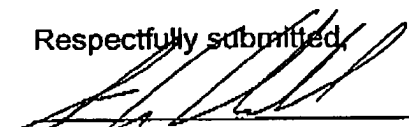
in the art would not be motivated to combine the teachings of the two. Further, Applicants note that the suggested motivation referred to by the Examiner as being disclosed by *Ripley* at column 6, lines 50-55 appears to be unrelated to the teachings of *Ripley* relied upon by the Examiner at column 11, lines 33-67. Specifically, *Ripley* at column 6, lines 50-53 describes a Similarity Scoring Service 104 that allows for the configuration and registration of similarity scoring measures that can compare to objects and return a score based on their similarity, while *Ripley* at column 11, lines 33-67 describes a user defined map specification to facilitate sharing data between hierarchical databases. Consequently, the teachings of *Ripley* at column 6, lines 50-55 can in no way be considered to motivate a person skilled in the art to combine an unrelated teaching of *Ripley* to *Wical* or any other reference.

Therefore, Applicants submit that claims 1-28 and 30-40 are patentable over *Wical* in view of *Ripley*.

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicants' disclosure than the primary references cited in the office action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



Gero G. McClellan
Registration No. 44,227
MOSER, PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicant(s)

Page 11

316994_1